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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,675	11/07/2002	David M. Arkin	2023	9269
31424	7590	01/23/2004	EXAMINER	
BABCOCK IP LLC			GUSHI, ROSS N	
24154 LAKESIDE DRIVE			ART UNIT	
LAKE ZURICH, IL 60047			PAPER NUMBER	

2833

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

10/065,675

**Applicant(s)**

ARKIN ET AL.

**Examiner**

Ross N. Gushi

**Art Unit**

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12,13,15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-10, 12, 13, 15, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan in view of Lam.

Per claims 1, 15, 20 Fan discloses a power supply apparatus for coupling electricity between a power source and a device, comprising a body 1 having at least one aperture and at least one electrical contact 3 configured to mate with the power source; at least one light source 5 arranged within the body; and at least one light transmitting cover (see figure 2), configured to cover the at least one aperture, having indicia thereon (see figure 2); the at least one light source arranged to radiate through the at least one aperture and backlight the indicia.

Fan does not discuss whether the cover is removable. Lam discloses a cigarette lighter socket display apparatus including a light transmitting cover which is removable (col. 3, lines 20-25). At the time of the invention, it would have been obvious to make the Fan cover removable. The suggestion or motivation for doing so would have been to allow the user to select a cover of choice as taught in Lam, col. 3, lines 20-25.

Per claims 3, 17, the at least one light source is one of at least one light emitting diode and at least one incandescent light.

Per claim 5, the body is configured for mating with a vehicle cigarette lighter socket.

Regarding claim 6, Lam and Fan do not specify whether the indicia is on a backside of the cover. The choice of whether indicia would be on the front or backside would have been a matter of obvious engineering choice, being merely a reversal of parts. In re Gazda, 104 USPQ 400 (CCPA 1963).

Per claim 7, Fan discloses an electrical conductor 61, 62, coupled with the at least one contact, the electrical conductor configured to couple electricity received from the power source via the at least one contact with the device.

Per claims 8, 19, the body is formed from at least two shell parts configured to mate together.

Regarding claims 9, 12, 13, to the extent that Lam and Fan do not discuss whether the indicia is translucent or opaque or other aesthetic features of the indicia, the aesthetic characteristics of the indicia which have no mechanical function cannot be relied on to patentably distinguish the invention. In re Seid, 161 F.2d 229 (CCPA 1947).

Regarding claim 10, Fan does not mount the LED on a board. Lam discloses 37 mounted on circuit board 23. At the time of the invention, it would have been obvious to mount the Fan led on a circuit board as taught in Lam. The suggestion or motivation for doing so would have been to simplify manufacturing and assembly of the device, as taught implicitly in Lam and as is well known in the art.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan and Lam as in claims 1 and 15 in view of Eisenbraun and Seefried. Fan does not disclose two apertures. Eisenbraun suggests that the Fan illuminated portion is not visible from various orientations (Eisenbraun col. 1, lines 20-47). Seefried discloses a connector including a plurality of apertures (at the ends of arms 4, 5, 6, and 7) for transmitting light. At the time of the invention, it would have been obvious to include a plurality of apertures in the Fan device including apertures on opposite sides of the body, as taught in Seefried. The suggestion or motivation for doing so would have been to allow the light to be seen from various angles as taught in Eisenbraun and Seefried.

### ***Response to Arguments***

Applicant argues that to modify Fan as suggested would be to “totally abandon” the purpose of Fan (remarks, page 7). The examiner disagrees. The Fan illuminating cover would be an illuminating cover even if it was removable. Applicant argues one would not look to Fan or Lam to solve the problem that applicant’s invention is directed to (remarks, page 7). The examiner has not indicated that Fan or Lam would be looked to solve the problems that applicant’s invention is directed to.

Applicant seems to argue that the examiner has not provided sufficient motivation for the proposed modification (remarks page 7 par. 3 – page 8 par. 1). The suggestion or motivation for the proposed modification would have been to allow the user to select a cover of choice as taught in Lam, col. 3, lines 20-25.

Applicant's arguments regarding claim 11 and Seefried and Eisenbraum regarding claims 1 and 14 are moot (remarks page 8 –page 9).

Applicant seems to argue that the examiner has not provided sufficient motivation for the proposed modification regarding claims 4 and 18 (remarks page 9 par. 3 – page 10 par. 2). The suggestion or motivation for the proposed modification would have been to allow the light to be seen from various angles as taught in Eisenbraun and Seefried. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Allowable Subject Matter***

Claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim 11, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including that the light output projects to a first and second side of the board. Regarding claim 14, the prior art does not suggest the device as

claimed, including the combination of all the claimed elements, the combination including the light pipe for redirecting the light as claimed.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (703) 306-4508. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at (703) 308-2319. The phone number for the Group's facsimile is (703) 308-7766

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